EXCERPT FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF ORIENTAL MINDORO HELD AT CALAPAN ON THURSDAY, AUGUST 12, 1993.

PRESENT:

Hon. Pedrito A. Reyes, Vice Governor, Presiding Officer
Hon. Bayani C. Anastacio, Member
Hon. Irineo A. Apasen, Member
Hon. Jose C. Leynes, Member
Hon. Emmanuel S. Buenaventura, Member
Hon. Cesareo M. Cueto, Member
Hon. Dante A. Manzo, Member
Hon. Remedios R. Maranigan, Member
Hon. Violeta D. Dakis, Member
Hon. Jose A. Enriquez, Sr. Member
Hon. Nelson S. Gobutero, Sr. Member, ABC President
Hon. Romualdo J. Baumsanta, Member, SK Chairman

ABSENT:

Hon. Manuel G. Anduya, (On Leave) Member
Hon. Jose G. Genito, Jr. (O.B.) Member, Pres. Councilors' League

RESOLUTION NO. 172-93

REQUESTING THE COMMISSION ON AUDIT (COA) TO EXAMINE AND AUDIT ALL PENALTIES IMPOSED AND COLLECTED THRU PRIVATE SHIPPING COMPANIES BY THE MARITIME INDUSTRY AUTHORITY (MARINA) UNDER SECTION 3 OF MARINA MEMORANDUM CIRCULAR NO. 48 DATED 10 APRIL 1989; TO REQUIRE AN ACCOUNTING THEREOF BY THE ACCOUNTABLE MARINA OFFICIALS IN ACCORDANCE WITH EXISTING RULES AND REGULATIONS; AND IN CASE OF FAILURE TO RENDER SUCH ACCOUNT, TO COMMENCE THE NECESSARY LEGAL PROCEEDINGS AGAINST THE RESPONSIBLE MARINA OFFICIALS.

CONSIDERING that on 10 April 1989, former MARINA Administrator Philip S. Tuazon issued Memorandum Circular No. 48, Section 3 of which provides that: "3. only person or persons with tickets shall be allowed to board the vessel. Those found to have no tickets shall be assessed one hundred percent (100%) additional fare as penalty" (See Annex "A");

CONSIDERING further that on or about May 1993, Viva Shipping Lines, Inc. (VSL) and Sto. Domingo Shipping Lines, Inc. (SDL), acting pursuant to said Memorandum Circular No. 48, imposed and collected a 100% penalty on passengers boarding their vessels in the Calapan-Batangas sea route who failed to secure tickets prior to boarding; thereby generating widespread complaints from the travelling public in Oriental Mindoro (See Annex "B");

BELIEVING that similar penalties were also collected by other inter-island vessels throughout the Philippines;

BELIEVING further that all penalties collected under and virtue of government rules and regulations are public funds subject to accounting under pertinent rules and regulations of the Commission on Audit (COA);

NOTING that MARINA or its private agents apparently have not duly accounted for all the penalties imposed and collected under Section 3 of Memorandum Circular No. 48 to the prejudice of the State;

HAVING IN MIND that Section 2 (1), Article IX-D of the 1987
Constitution provides that: "The Commission on Audit shall have the
power, authority, and duty to examine, audit and settle all accounts
pertaining to the revenue and receipts of, and expenditures or uses
of funds and property, owned or held in trust by, or pertaining to,
the Government, or any of its subdivisions, agencies, or instrument-
alities, including government-owned or controlled corporations with
original charters xxx."

NOW THEREFORE, be it resolved as it is hereby resolved, to
request the Commission on Audit (COA) to examine and audit all
penalties imposed and collected thru private shipping companies by
MARINA under Section 3 of MARINA Memorandum Circular No. 48; to
require an accounting thereof by the accountable MARINA officials in
accordance with existing rules and regulations; and in case of
failure to render such account, to commence the necessary legal
proceedings against the responsible MARINA officials.

Let copies of this resolution be immediately furnished the
Office of the President, the Commission on Audit, Secretary Jesus B.
Garcia, and MARINA Administrator Paciencio M. Balbon.

On motion by Hon. Emmanuel S. Buenaventura, seconded by All
Members present, the Resolution was APPROVED this 12th day of August
1993.

CERTIFIED CORRECT:

PEDRITO A. REYES
Vice Governor
Presiding Officer

ATTESTED:
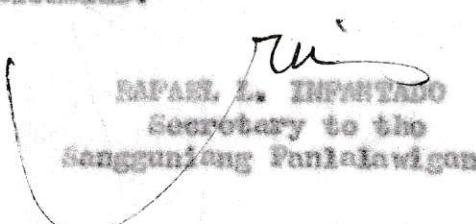
RAFAEL L. INFANTADO
Secretary to the
Sangguniang Panlalawigan

APPROVED:
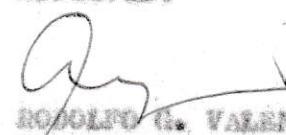
RODOLFO G. VALENCIA
Provincial Governor

-csco